

JAN. 22. 2009 9:58AM

OBLON SPIVAK

NO. 888 P. 1

40 years
1968-2008

January 22, 2009



ATTORNEYS AT LAW

KATHLEEN A. MORSEBERGER
CONTROLLER
(703) 412-6494
KMORSEBERGER@OBLON.COM

UNITED STATES PATENT AND TRADEMARK OFFICE
2051 Jamieson Avenue
Suite 300
Alexandria, VA

Attn: Refund Department

Re: Deposit Account Number 150030

Dear Sir or Madame:

Enclosed is a copy of a portion of our Deposit Account Statement of January 2009. Please review the highlighted charge on Serial Number 10/501,082, in the amount of \$130.00 on fee code number 1251.

This charge for an Extension of Time is in error as the Notice of Appeal filed on Monday, December 29, 2008 was timely as December 26 was a Federal Holiday.

Please review this application and kindly refund \$130.00 to deposit account number 150030. Copies of the appropriate paperwork are attached. If you have any questions, please contact Scott Lohr at (703) 412-6472. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in dark ink, appearing to read "Scott Lohr".

Scott Lohr

Enclosure: Deposit Account Statement

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET ■ ALEXANDRIA, VIRGINIA 22314 ■ U.S.A.
TELEPHONE: 703-413-3000 ■ FACSIMILE: 703-413-2220 ■ WWW.OBLON.COM



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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

Account Number: 150030

DATE POSTED	DESCRIPTION	DOCKET NO.	FEE	CHARGES/	BALANCE
MO: DAY YR	(Serial) Patent, TM, Order		CODE	CREDITS (-)	
01 05 09	11334574	284968US0 CONT	1252	\$490.00	\$29,204.71
01 05 09	12265302	334370US/KQU	8007	\$40.00	\$23,164.71
01 05 09	11985326	3203340US/KQU	8007	\$20.00	\$23,144.71
01 05 09	12335171	327930US8CONT	1202	\$156.00	\$22,988.71
01 05 09	12314237	335427US-8 CONT	1081	\$270.00	\$22,718.71
01 05 09	81033344	32839US/KQU	8007	\$20.00	\$22,698.71
01 06 09	11199221	276844US6X	1252	\$1,110.00	\$21,588.71
01 06 09	81020404	320598US/KQU	8007	\$20.00	\$21,568.71
01 06 09	10533950	271326US0PCT	1202	\$104.00	\$21,464.71
01 06 09	77532524	332401MX-979-33	8507	\$15.00	\$21,449.71
01 06 09	10518533	263593US0XPCT	1202	\$52.00	\$21,397.71
01 07 09	10488913	248959US0XPCT	1806	\$-180.00	\$21,577.71
01 07 09	10923014	257766US2RD	1201	\$880.00	\$20,697.71
01 07 09	11914706	317988US26PCT	1816	\$-370.00	\$21,067.71
01 07 09	10601082	254519US6PCT	1251	\$130.00	\$20,937.71
01 07 09	10795269	250148US3	1251	\$130.00	\$20,807.71
01 07 09	10795269	250148US3	1801	\$810.00	\$19,997.71
01 08 09	PAYMENT		8203	\$-10,000.00	\$29,997.71
01 08 09	11207770	274270US2DIV	1806	\$180.00	\$29,817.71
01 08 09	11459182		8011	\$55.00	\$29,762.71
01 08 09	11459182		8024	\$40.00	\$29,722.71
01 08 09	09859104		8011	\$55.00	\$29,667.71
01 08 09	09859104		8024	\$40.00	\$29,627.71
01 08 09	09460303		8008	\$200.00	\$29,427.71
01 08 09	09460303		8009	\$200.00	\$29,227.71
01 08 09	09460303		8024	\$40.00	\$29,187.71
01 08 09	60115496		8008	\$200.00	\$28,987.71
01 08 09	60115496		8024	\$40.00	\$28,947.71
01 08 09	80112078		8008	\$200.00	\$28,747.71
01 08 09	80112078		8024	\$40.00	\$28,707.71
01 08 09	09901762		8011	\$55.00	\$28,652.71
01 08 09	09901762		8024	\$40.00	\$28,612.71
01 08 09	80216594		8008	\$200.00	\$28,412.71
01 08 09	80216594		8024	\$40.00	\$28,372.71

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/501,082	Applicant(s) KATAYAMA, YASUSHI	
	Examiner ABDELNABI O. MUSA	Art Unit 2446	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 02 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.118 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____

/Joseph E. Avellino/
Primary Examiner, Art Unit 2446

Document code: WFEE

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